

TOWN OF WILMINGTON, MASSACHUSETTS



WARRANT
ANNUAL TOWN MEETING AND ELECTION

TO: EITHER OF THE CONSTABLES OF THE TOWN OF WILMINGTON:
GREETINGS:

In the name of the Commonwealth of Massachusetts and in the manner prescribed in the By-laws of said Town, you are hereby directed to notify and warn the inhabitants of the Town qualified to vote in Town affairs to meet and assemble at the Boutwell School (Precincts 1 and 2), Wildwood School (Precincts 3 and 4) and the Town Hall Auditorium (Precincts 5 and 6), Saturday the twenty-third day of April, A.D. 2016 at 7:45 o'clock in the forenoon, the polls to be opened at 8:00 a.m. and shall be closed at 8:00 p.m. for the election of Town Officers:

ARTICLE 1. To bring in your votes on one ballot respectively for the following named offices to wit: Two Selectmen for the term of three years; three members of the School Committee for the term of three years; one member of the Housing Authority for the term of five years and one member of the Regional Vocational Technical School Committee for the term of three years.

You are also hereby further required and directed to notify and warn the said inhabitants of the Town of Wilmington who are qualified to vote on elections and Town affairs therein to assemble subsequently and meet in the Town Meeting at the Wilmington High School Auditorium, Church Street, in said Town of Wilmington on Saturday the thirtieth day of April, A.D. 2016 at 10:30 a.m., then and there to act on the following articles:

ARTICLE 2. To hear reports of Committees and act thereon.

Board of Selectmen

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the purpose of paying unpaid bills of previous years; or take any other action related thereto.

Board of Selectmen

ARTICLE 4. To see if the Town will vote to authorize the Treasurer/Collector, with the approval of the Selectmen, to enter into an agreement, under the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, with one or more banks doing business in the Commonwealth of Massachusetts during Fiscal Year 2017 for a term not to exceed three years, which will permit the Town of Wilmington to maintain funds on deposit with such institutions in return for said institutions providing banking services; or take any other action related thereto.

Board of Selectmen

ARTICLE 5. To see how much money the Town will appropriate for the expenses of the Town and the salaries of several Town Officers and Departments and determine how the same shall be raised, whether by taxation, transfer from available funds, or otherwise; or take any other action related thereto.

Board of Selectmen

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the purchase of new and/or replacement capital equipment, including but not limited to the following items, and further to authorize the sale, trade-in, conveyance or other disposition of any equipment being so replaced, such funds to be spent by the town department, so indicated, with the approval of the Town Manager and, to the extent set forth in Chapter 592 of the Acts of 1950, the Board of Selectmen, as follows:

Police Department

Purchase of five (5) replacement police cruisers.

Fire Department

Purchase of one (1) replacement command vehicle.

Purchase of one (1) replacement ambulance.

Purchase of one (1) replacement pumper.

Department of Public Works

Purchase of one (1) heavy duty dump truck with plow and sander to be assigned to the Highway

Purchase of one (1) heavy duty front end loader to be assigned to the Highway Division.

Purchase of one (1) heavy duty pavement roller and trailer.

School Department

Purchase of one (1) student transport van;

or take any other action related thereto.

Board of Selectmen

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to make certain technology improvements; or take any other action related thereto.

Board of Selectmen

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Electronic Control Weapons (Taser) for the Wilmington Police Department; or take any other action related thereto.

Board of Selectmen

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds or borrow pursuant to any applicable statute a sum of money for purchase of portable radios for the Wilmington Fire Department; or take any other action related thereto.

Board of Selectmen

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds or borrow pursuant to any applicable statute a sum of money for the for the development of an intersection master plan to evaluate and prioritize upgrades for major and heavily traveled intersections; or take any other action related thereto.

Board of Selectmen

ARTICLE 11. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for engineering services for 25% design threshold for upgrades to Main Street (Route 38) between Route 62 and the Woburn City Line; or take any other action related thereto.

Board of Selectmen

ARTICLE 12. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to relocate underground control panel at Public Safety Sewer Pump Station; or take any other action related thereto.

Board of Selectmen

ARTICLE 13. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the replacement of approximately 10,432 square feet of roof area at the North Intermediate School; or take any other action related thereto.

Board of Selectmen

ARTICLE 14. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the replacement of approximately 22,100 square feet of roof area at the Boutwell School; or take any other action related thereto.

Board of Selectmen

ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of the Foundations ELA Program for the Wilmington Public Elementary Schools; or take any other action related thereto.

School Committee

ARTICLE 16. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Lucy Calkins Units of Study-Reading ELA Program for the Wilmington Public Elementary Schools; or take any other action related thereto.

School Committee

ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Social Emotional Learning (SEL) Curriculum for the Wilmington Public Schools; or take any other action related thereto.

School Committee

ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Voice Over IP Phone System for the Wilmington Public Schools; or take any other action related thereto.

School Committee

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the upgrade of switches at the six elementary schools; or take any other action related thereto.

School Committee

ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to deposit in the Other Post Employment Liability Trust Fund established in accordance with M. G. L. Chapter 32B, Section 20; or take any other action related thereto.

Board of Selectmen

ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to deposit in the “Capital Stabilization Fund” as established by two-thirds vote on Article 23 at the April 27, 1991 Annual Town Meeting; or take any other action related thereto.

Board of Selectmen

ARTICLE 22. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to deposit in the “Employee Retirement Benefits” stabilization fund as established by two-thirds vote on Article 24 of the May 3, 2014 Annual Town Meeting; or take any other action related thereto.

Board of Selectmen

ARTICLE 23. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to pay the Middlesex Retirement System in addition to the annual assessment; or take any other action related thereto.

Board of Selectmen

ARTICLE 24. To see what sum the Town will vote to transfer into various line items of the Fiscal Year 2016 budget from other line items of said budget and from other available funds; or take any other action related thereto.

Board of Selectmen

ARTICLE 25. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the funding of a Fourth of July celebration, or take any other action related thereto.

Board of Selectmen

ARTICLE 26. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the observance of Memorial Day and Veterans' Day; or take any other action related thereto.

Board of Selectmen

ARTICLE 27. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute the sum of \$750.00 each (a total of \$1,500) for the purpose of renewing under the authority of Section 9 of Chapter 40 of the General Laws as amended, the lease of:

- a. Veterans of Foreign Wars Clubhouse for the purpose of providing suitable headquarters for the Nee-Ellsworth Post 2458 of the Veterans of Foreign Wars of the United States;
- b. American Legion Clubhouse, Inc. for the purpose of providing suitable headquarters for the Wilmington Post 136 of the American Legion;

or take any other action related thereto.

Board of Selectmen

ARTICLE 28. To see if the Town will vote to authorize or reauthorize as the case may be, revolving accounts pursuant to M.G.L. Chapter 44, Section 53E ½ for the various boards, commissions, departments and agencies of the Town; or take any other action related thereto.

Board of Selectmen

ARTICLE 29. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Public Rink enterprise; or take any other action related thereto.

Board of Selectmen

ARTICLE 30. To see if the Town will vote to amend the Zoning By-law of the Town of Wilmington as follows; or take any other action related thereto.

By deleting Section 4.1.13 of the Zoning By-laws and replacing with the following:

- 4.1.13 Used Vehicle Sales – In the General Business (GB) and General Industrial (GI) Districts, auto repair and body shops may use the paved portion of their lot for the sale and display of up to a total of two (2) used vehicles. No used vehicle shall be parked within 20 feet of the sideline of the street. “For Sale” signs covering not greater than 20% of the vehicle windshield are permitted, and must be attached to the vehicle. All other signs advertising used vehicle sales are prohibited.

The sale of used vehicles is allowed at new vehicle dealerships, provided the vehicles are displayed on the same site as the salesroom and related dealership facilities.

Board of Selectmen

ARTICLE 31. To see if the Town will vote to continue its participation in the Massachusetts Water Resource Authority financial assistance program which provides grants and interest free loans for the purpose of funding an infiltration and inflow reduction and sewer system rehabilitation program and to authorize the Selectmen and/or Town Manager to accept said grants and to execute documents relative to the interest free loans as may be required; and further to appropriate said funds for engineering services, construction or reconstruction of sewers, sewerage systems and sewage disposal facilities and appurtenances and to determine how the same shall be raised whether by taxation, transfer or borrowing or any combination thereof; or take any other action related thereto.

Board of Selectmen

ARTICLE 32. To see if the Town will vote to authorize the Board of Selectmen to acquire by grant or eminent domain pursuant to G.L. c. 40, G.L. c. 79 and any other applicable statute, restrictions for low or moderate income housing on all or any portions of the property located at 57 Ballardvale Street in Wilmington and identified as Town Assessor Map 98, Parcel 4; or take any other action related thereto.

Board of Selectmen

ARTICLE 33. To see if the Town will vote to amend the Zoning By-law by deleting Section 3.5.1.1 and replacing it with the following, or take any other action related thereto.

- 3.5.1.1 Retail Store(s) under 30,000 sq. ft. – Store(s) for the display and sale of merchandise within a building having single or multi-tenants, no one tenant having more than 30,000 sq. ft. defined as including but not limited to: grocery, deli, sandwich shop, ice cream parlor, bakery and package stores; drugstore; book, stationery and gift shop; antique shop; florist; pet shop; television and radio sales; hardware store; department and furniture stores; garden center with open air sales; and all other retail stores.

A sandwich shop shall be defined as a food establishment serving sandwiches, soups, salads, pizza and other individually portioned items over the counter, with no table service and seating limited to a maximum of twelve (12) chairs.

Planning Board

ARTICLE 34. To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised by amending Section 51, Comprehensive Stormwater Management By-law, as follows; or take any other action related thereto.

1. By amending Section 51.2.2 to read as follows:

51.2.2 Stormwater Management Permit (SMP)

A Stormwater Management Permit (SMP) is required for the following:

- 2.2.1 Any activity that will disturb or alter 20,000 square feet or more of land, or which is part of a common plan for development that will disturb or alter 20,000 square feet or more of land, except that:
 - a. Single-family construction on residential lots on existing roadways with no required roadway improvements (Existing Lots or Approval Not Required Lots) that disturbs more than 20,000 square feet of land in aggregate (Maximum 4 Lots or less) shall be required to obtain a Simple Stormwater Management Permit (SSMP) for each lot instead of a SMP.
- 2.2.2 Any activity that must undergo Site Plan Review per the Wilmington Planning Board Site Plan Review Rules and Regulations, except that:
 - a. A Site Plan change of use that does not alter the site and does not trigger Standard 5 of the Massachusetts Stormwater Management Standards (uses with a higher pollutant load) shall be exempt.
 - b. A Site Plan Amendment that does not include changes to the site that impact the function of the stormwater management system on the site shall not require a SMP.

2. By amending Section 51.2.3 to read as follows:

51.2.3 Simple Stormwater Management Permit (SSMP)

A Simple Stormwater Management Permit (SSMP) is required for the following:

- 2.3.1 Any activity, except as exempted under Section 2.4, that will disturb or alter less than 20,000 square feet of land, or which is part of a common plan for development that will disturb or alter less than 20,000 square feet of land.
- 2.3.2 Construction or maintenance and repair of utility lines or systems (gas, water, electric, telephone, fire alarms, drainage, etc.) that will disturb or alter less than 20,000 square feet of land and that will temporarily or permanently alter terrain, ground cover, or drainage patterns.
- 2.3.3 Activities identified in 2.2.1 a above.

3. By amending Section 51.2.4 to read as follows:

51.2.4 Exemptions

No person shall disturb or alter land within the Town of Wilmington without having obtained a Stormwater Management Permit (SMP) or Simple Stormwater Management Permit (SSMP) for the property with the following exceptions:

- 2.4.1 Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.

- 2.4.2 Maintenance of existing landscaping, gardens or lawn areas associated with single-family residential lots, or creating new landscaping, gardens or lawn areas on single-family residential lots that will result in a net decrease in impervious area and will not alter drainage patterns.
- 2.4.3 Creating impervious area consisting of a previously existing unpaved driveway for a single family dwelling, or expansion of an existing paved driveway for a single family dwelling.
- 2.4.4 The construction of fencing that will not alter existing terrain or drainage patterns.
- 2.4.5 Construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.
- 2.4.6 Emergency repairs to any stormwater management facility or situation that poses a threat to public health or safety, or as deemed necessary by the Planning Board.
- 2.4.7 Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.
- 2.4.8 Construction of decks, patios, walkways, driveways, sheds, swimming pools, tennis or basketball courts, or replacement of septic systems on lots having an existing dwelling.
- 2.4.9 An increase in the footprint of a house by less than 600 square feet.
- 2.4.10 Repair or upgrade of septic systems when required by the Board of Health for the protection of public health.

4. By amending Section 51.3.2 to read as follows:

51.3.2 RULES AND REGULATIONS - The Planning Board may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Comprehensive Stormwater Management Bylaw by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, the Planning Board may promulgate Rules and Regulations to effectuate the purposes of this Bylaw. The Planning Board by such Rules and Regulations may delegate to the Director of Planning and Conservation the authority to administer, implement and enforce this Bylaw and such Rules and Regulations. Failure by the Planning Board to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

Planning Board

ARTICLE 35. To see if the Town will vote to amend Section 6.2, Flood Plain District and Section 2.2, Zoning Map, of the Town of Wilmington Zoning By-law; or take any other action related thereto.

1. by amending Section 6.2.2.1 to read as follows:

6.2.2.1 Flood Plain District Boundaries – The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town designated as Zone A, AE, AH, AO, A99, V and VE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management

Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that show flood zones located wholly or partially within the Town include map panel numbers 25017C0279F, 25017C0281F, , 25017C0283F, , 25017C0287F dated July 6, 2016; and map panel numbers 25017C0284E, 25017C0282E, 25017C0289E, 25017C0291E, 25017C0292E, 25017C0293E, and 25017C0294E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning & Conservation Department, Town Engineer and Inspector of Buildings.

2. by adding a new Section 6.2.3 as follows and renumbering the existing sections accordingly:
 - 6.2.3 Notification of Watercourse Alteration – In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:
 - a. Adjacent Communities
 - b. NFIP State Coordinator, MA Department of Conservation and Recreation
 - c. NFIP Program Specialist, FEMA, Region I.
3. by amending renumbered subsection 6.2.5.4 to read as follows:
 - 6.2.5.4 Maintenance and repair of existing structures and improvement of existing structures provided that any such improvement is in accordance with Sections of the Massachusetts Building Code (780 CMR) which address floodplain areas;
4. by amending renumbered Section 6.2.6 to read as follows:
 - 6.2.6 Uses Permitted by Special Permit from the Board of Appeals

The Board of Appeals may authorize by Special Permit any use permitted in the underlying district in which the land is located, including grading, filling and excavating, subject to the same use and development regulations as may otherwise apply thereto provided that the Board of Appeals finds that the proposed use will not significantly conflict with the purposes set forth herein and provided further that:

 - a. At least 100% of the flood storage volume of the site (the volume of water which could be stored between the elevation(s) of the property as it existed on 15 June 1982 and the elevation(s) of the base flood) shall be maintained;
 - b. In the case of residential structures the elevation of the lowest floor level including basement of any new or substantially improved dwelling shall be at or above the base flood and in the case of non-residential buildings the elevation of the lowest floor including basement of any new or substantially improved building shall be at or above the base flood or flood-proofed to above the base flood, in accordance with Sections of the Massachusetts Building Code (780 CMR) which address floodplain and coastal high hazard areas;
 - c. In the case of vehicular access the elevation of the lowest point of any new driveway from the street to the building shall be at or above the base flood and all new construction, including utilities, is anchored to prevent flotation and designed to avoid impairment during the base flood, in accordance with Sections of the Massachusetts Building Code (780 CMR) which address floodplain and coastal high hazard areas.

- d. Reference to Existing Regulations – All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, 44 C.F.R. 60.3(d) and with the following regulations:

Sections of the Massachusetts Building Code (780 CMR) which address floodplain and coastal high hazard areas;

Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

Inland Wetlands Restrictions, DEP (currently 310 CMR 13.00); and

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.000, Title 5).

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with required variance procedures set forth in such regulations.

- e. All subdivision proposals must be designed to assure that: such proposals minimize flood damage; all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided to reduce exposure to flood hazards.

5. by amending renumbered subsection 6.2.7.1 to read as follows:

6.2.7.1 Any person who desires to use land within the Flood Plain District in accordance with Subsection 6.2.6 shall submit a written application to the Board of Appeals. Each application shall be accompanied by the following information: (no change to remainder of subsection)

6. by amending renumbered subsection 6.2.7.2 to read as follows:

6.2.7.2 The Board of Appeals shall, within ten days of its receipt of an application under Subsection 6.2.6, refer the application to the Board of Health, Planning Board, Conservation Commission and the Town Engineer for written reports and recommendations and no decisions shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.

7. by amending Section 2.2, second unnumbered subparagraph, to read as follows:

Wilmington Flood Insurance Rate Map (FIRM) dated July 6, 2016.

Planning Board

ARTICLE 36. To see if the Town will vote to amend the Zoning By-law as follows; or take any other action related thereto.

1. By amending Section 1.3 by inserting a new Section 1.3.10 as follows between the existing Sections 1.3.9 and 1.3.10 and adjusting the subsequent section numbers accordingly:

1.3.10 Outdoor Patio: A hardscaped full service outdoor dining area with defined bounds and accessed only through the restaurant.

2. By deleting Section 3.5.4 and replacing it with the following:
 - 3.5.4 Limited Service Restaurant - Food service establishment as defined by the State Sanitary Code where food and nonalcoholic beverages are sold to customers at a table or counter and where food and nonalcoholic beverages may also be sold to customers for consumption on an outdoor patio or off premises as carry-out orders.
3. By deleting Section 3.5.5 and replacing it with the following:
 - 3.5.5 General Service Restaurant - Food service establishment as defined by the State Sanitary Code, with an indoor seating capacity of at least 100 people, where food, alcoholic beverages and nonalcoholic beverages are sold to customers at a table or counter and where food, alcoholic beverages and nonalcoholic beverages may also be sold to customers for consumption on an outdoor patio or off premises as carry-out orders.

Planning Board

ARTICLE 37. To see if the Town will vote to amend the Zoning By-law as follows; or take any other action related thereto.

1. By amending Table 1, Sections 3.5.15 and 3.6.3 to appear as follows:

PRINCIPAL USES		RESIDENTIAL DISTRICTS				BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN REVIEW	GW PD
		R10	R20	R60	O55	NB	GB	CB	GI	HI	LI/O		
3.5 BUSINESS USES													
3.5.1.1	Retail Store under 30,000 sf	No	No	No		Yes	Yes	Yes	SP	SP	SP	R	*
3.5.1.2	Retail Store over 30,000 sf	No	No	No		No	No	No	No	SP	SP	R	*
3.5.2	Business/Professional Office	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.3	Bank	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.4	Limited Service Restaurant	No	No	No		No	SP	Yes	SP	Yes	SP	R	*
3.5.5	General Service Restaurant	No	No	No		No	SP	SP	No	SP	No	R	*
3.5.6	Hotel or Motel	No	No	No		No	SP	SP	SP	SP	SP	R	*
3.5.7	Lodge and Club	No	No	No		SP	Yes	Yes	Yes	Yes	Yes	R	*
3.5.8	Funeral Home	No	No	No		No	Yes	No	No	No	No	R	*
3.5.9	Veterinary Care	No	No	No		No	SP	SP	SP	SP	SP	R	*
3.5.10	Personal Service Shop	No	No	No		Yes	Yes	Yes	No	Yes	No	R	*
3.5.11	Craft Shop/Bldg Trade	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.12	Commercial/Trade School	No	No	No		SP	Yes	SP	Yes	Yes	Yes	R	*
3.5.13	Amusement Facility	No	No	No		No	Yes	SP	Yes	Yes	Yes	R	*
3.5.14	Auto Service /Car Wash	No	No	No		No	SP	No	No	No	No	R	*
3.5.15	Auto Repair/Body Shop/ Rental	No	No	No		No	SP	No	SP	SP	No	R	*
3.5.16	Vehicular Dealership	No	No	No		No	SP	No	No	No	No	R	*
3.5.17	Parking Facility	No	No	No		No	Yes	Yes	Yes	Yes	Yes	R	*
3.5.18	Adult Uses***												
3.5.19	Pet Care Facility	No	No	No		No	SP	No	SP	No	No	R	*
3.5.20	Reg. Marijuana Dispensary	No	No	No		No	No	No	SP	SP	No	R	*
3.6 INDUSTRIAL USES													
3.6.1	Warehouse	No	No	No		No	No	No	Yes	Yes	Yes	R	*
3.6.2	Bulk Material Storage/Sales	No	No	No		No	No	No	Yes	Yes	No	R	*
3.6.3	Hvy Vehicular Dealer/Repair/ Rental	No	No	No		No	No	No	SP	SP	No	R	*
3.6.4	Light Industrial	No	No	No		No	No	No	Yes	Yes	Yes	R	*
3.6.5	Limited Manufacturing	No	No	No		No	No	No	SP	SP	SP	R	*
3.6.6	General Manufacturing	No	No	No		No	No	No	SP	SP	No	R	*

2. By amending Section 3.5.15 to read as follows:
 - 3.5.15 Auto Rental/Repair and Body Shop – Auto rental and livery establishment for automobiles or similar light motor vehicles having a maximum 6,000 gross vehicle weight or 135 inch wheel base; Establishment where the principal service is the repair of automobiles and painting of automobiles or similar light motor vehicles having a maximum 6,000 gross vehicle weight or 135 inch wheel base.
3. By amending Section 3.6.3 to read as follows:
 - 3.6.3 Heavy Vehicular Rental/Dealership and Repair Garage – Heavy Vehicular rental and livery establishment for trucks, buses or similar heavy motor vehicles having a gross vehicle weight in excess of 6,000 pounds or wheel base in excess of 135 inches; salesroom and related dealership facilities for trucks, buses or similar heavy motor vehicles having a gross vehicle weight in excess of 6,000 pounds or wheel base in excess of 135 inches, and establishments for the storage or repair of automobiles, truck, construction equipment or similar heavy motor vehicles and equipment provided that all but open air display and the making of all but minor repairs shall be conducted wholly within a building and provided further that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration shall be effectively confined to the premises or disposed of in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

Planning Board

ARTICLE 38. To see if the Town will vote to amend the Town of Wilmington Zoning By-law and Zoning District Map as follows to create a new Neighborhood Mixed Use Zoning District; or take any other action related thereto.

1. By amending the Zoning District Map by rezoning the following described area from the existing General Business District to Neighborhood Mixed Use District:

Beginning at a point at the intersection of the centerline of Dartmouth Avenue with centerline of Lowell Street, said intersection being depicted on Assessor Map 40;

Thence running northeasterly along the centerline of Dartmouth Street to a point in said centerline which is 400 feet perpendicularly distant from the northeasterly sideline boundary of Lowell Street;

Thence running in a southeasterly direction on a line parallel and 400 feet perpendicularly distant from the northeasterly sideline boundary of Lowell Street to the point where said parallel line intersects the northwesterly property boundary of Map 58, Parcel 1;

Thence running northerly and easterly along the northerly boundary line of Map 58, Parcel 1 to the northwesterly corner of Map 58, Parcel 2;

Thence running easterly along the northerly boundary line of Map 58, Parcel 2, to the intersection of the easterly extension of said northerly boundary line with the centerline of Woburn Street;

Thence running southerly along the centerline of Woburn Street to a point in said centerline which is at the intersection of the westerly extension of the southerly boundary line of Map 58, Parcel 28, with said centerline;

Thence running easterly along the southerly boundary of Map 58, Parcel 28 to the southeasterly corner of said parcel;

Thence running northerly along the easterly boundary of Map 58, Parcel 28, to the northwesterly corner of Map 58, Parcel 30;

Thence running easterly along the northerly boundary line of Map 58, Parcel 30 to the westerly sideline boundary of Lee Avenue (f.k.a. Leathe Avenue);

Thence running southerly along the westerly sideline boundary of Lee Avenue to a point located at intersection of the southerly extension of said line with the centerline of Lowell Street;

Thence running easterly along the centerline of Lowell Street to a point in said centerline which is at the intersection of the northerly extension of the easterly boundary line of Map 57, Parcel 52; with said centerline;

Thence running southerly along the easterly boundary line of Map 57, Parcel 52 to a corner of said lot in the northerly boundary line of Map 57, Parcel 54E;

Thence running westerly along the southerly boundary line of Map 57, Parcel 52 to a point in the centerline of Woburn Street;

Thence running northerly along the centerline of Woburn Street to a point in said centerline which is at the intersection of the easterly extension of the southerly boundary line of Map 48, Parcel 73 with said centerline;

Thence running westerly, southerly and northwesterly along said southerly boundary of Map 48, Parcel 73 to a point in the southeasterly boundary line of Map 48, Parcel 73A;

Thence running northeasterly along the northwesterly boundary of Map 48, Parcel 73 to the intersection of the northeasterly extension of said line with the centerline of Lowell Street;

Thence northwesterly along the centerline of Lowell Street to the intersection of said centerline with the centerline of Dartmouth Street and the point of beginning.

It is the intent of this amendment to describe the previously approved General Business District depicted on Assessor Maps 40, 48, 49, 57 and 58;

2. by amending Section 2.1 by adding “Neighborhood Mixed Use (NM)” after “Neighborhood Business (NB)” and before “General Business (GB)”;
3. by amending Section 2.2, first subparagraph to read as follows: Zoning District Map of the Town of Wilmington, January 1983 revised through May 2016 (Scale 1”=1200’ consisting of a single sheet).
4. by amending Table 1, Principal Use Regulations, by adding a new category, Mixed Use District, between Residential Districts and Business Districts with a new column, “NM” as follows:

TABLE 1 PRINCIPAL USE REGULATIONS

NOTE: All principal uses are subject to definitions and conditions in corresponding classification of uses contained in Section 3 of this By-law. Further, special permits allowed by this by-law may be subject to minimum special permit; see Section 3.8.

PRINCIPAL USES	RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN REVIEW	GW PD
	R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	LI/O		
EXTENSIVE USES													
Agriculture	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*
Greenhouses	No	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*
Conservation	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*

3.2.4	Recreation	SP	SP	SP	Yes	SP	Yes	No	Yes	Yes	Yes	R	*
3.2.5	Earth Removal	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	NR	*
3.3 RESIDENTIAL USES													
3.3.1	Single Family Dwelling	Yes	Yes	Yes	No	Yes	No	No	No	No	No	NR	*
3.3.2	Accessory Apartments	Yes	Yes	Yes	No	Yes	No	No	No	No	No	N	*
3.3.3	Community Housing Facility	SP	SP	SP	SP	SP	SP	SP	No	No	No	NR	*
3.3.4	Municipal Building Reuse	SP	SP	SP	SP	SP	SP	SP	No	No	No	NR	*
3.3.5	Multi-Family Housing	No	No	No	SP	No	No	SP	No	No	No	R	*
3.3.6	Over 55 Housing	No	No	No	SP	No	No	No	No	No	No	R	*
3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES													
3.4.1	Municipal Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.2	Educational	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.3	Religious	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.4	Philanthropic	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.4.5	Nursery School	SP	SP	SP	Yes	Yes	Yes	Yes	No	No	No	R	*
3.4.6	Hospital & Nursing Home	SP	SP	SP	SP	SP	SP	SP	No	No	No	R	*
3.4.7	Public Service Utility	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.4.8	Wireless Communications **	No	No	No	No	No	SP	No	SP	SP	SP	R	*
3.5 BUSINESS USES													
3.5.1.1	Retail Store under 30,000 sf	No	No	No	Yes	Yes	Yes	Yes	SP	SP	SP	R	*
3.5.1.2	Retail Store over 30,000 sf	No	No	No	No	No	No	No	No	SP	SP	R	*
3.5.2	Business/Professional Office	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.3	Bank	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.4	Limited Service Restaurant	No	No	No	SP	No	SP	Yes	SP	Yes	SP	R	*
3.5.5	General Service Restaurant	No	No	No	SP	No	SP	SP	No	SP	No	R	*
3.5.6	Hotel or Motel	No	No	No	SP	No	SP	SP	SP	SP	SP	R	*
3.5.7	Lodge and Club	No	No	No	Yes	SP	Yes	Yes	Yes	Yes	Yes	R	*
3.5.8	Funeral Home	No	No	No	Yes	No	Yes	No	No	No	No	R	*
3.5.9	Veterinary Care	No	No	No	SP	No	SP	SP	SP	SP	SP	R	*
3.5.10	Personal Service Shop	No	No	No	Yes	Yes	Yes	Yes	No	Yes	No	R	*
3.5.11	Craft Shop/Bldg Trade	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.12	Commercial/Trade School	No	No	No	Yes	SP	Yes	SP	Yes	Yes	Yes	R	*
3.5.13	Amusement Facility	No	No	No	No	No	Yes	SP	Yes	Yes	Yes	R	*
3.5.14	Auto Service /Car Wash	No	No	No	No	No	SP	No	No	No	No	R	*
3.5.15	Auto Repair/Body Shop	No	No	No	No	No	SP	No	SP	SP	No	R	*
3.5.16	Vehicular Dealership	No	No	No	No	No	SP	No	No	No	No	R	*
3.5.17	Parking Facility	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	R	*
3.5.18	Adult Uses***												
3.5.19	Pet Care Facility	No	No	No	SP	No	SP	No	SP	No	No	R	*
3.5.20	Reg. Marijuana Dispensary	No	No	No	No	No	No	No	SP	SP	No	R	*
3.6 INDUSTRIAL USES													
3.6.1	Warehouse	No	No	No	No	No	No	No	Yes	Yes	Yes	R	*
3.6.2	Bulk Material Storage/Sales	No	No	No	No	No	No	No	Yes	Yes	No	R	*
3.6.3	Hvy Vehicular Dealer/Repair	No	No	No	No	No	No	No	SP	SP	No	R	*
3.6.4	Light Industrial	No	No	No	No	No	No	No	Yes	Yes	Yes	R	*
3.6.5	Limited Manufacturing	No	No	No	No	No	No	No	SP	SP	SP	R	*
3.6.6	General Manufacturing	No	No	No	No	No	No	No	SP	SP	No	R	*
3.7 PROHIBITED USES													
3.7.1	Prohibited Uses	No	No	No	No	No	No	No	No	No	No	NR	*

* Uses within the Ground Water Protection Districts may be subject to additional regulation. See Section 6.6 Ground Water Protection Districts.

** Monopoles allowed by SP on Town-owned land; and attachments allowed by SP on existing structures in all zoning districts.

*** Overlay District. See Section 6.7

5. by amending Table II Standard Dimensional Regulations by adding “Neighborhood Mixed Use” between “Neighborhood Business” and “General Business” as follows:

TABLE II STANDARD DIMENSIONAL REGULATIONS

NOTES: (1) All Standard Dimensional Regulations are subject to the definitions and conditions in corresponding provisions for dimensional regulations contained in Section 5 of this By-law.

(2) Special exceptions to these Dimensional Regulations are contained in Subsection 5.3 of this By-law.

ZONING DISTRICTS	MIN. LOT AREA IN SQ FT	MIN. LOT FRONTAGE IN FT	MIN. LOT WIDTH IN FT	MIN. FRONT YARD IN FT	MINIMUM SIDE & REAR YARD IN FT	MINIMUM OPEN SPACE (%)	MAX BLDG COVER IN %	MAX HGT IN FT	MAX HGT IN STORIES
RESIDENCE 10	10,000	100	100	30	15	--	--	35	2½
RESIDENCE 20	20,000	125	125	40	20	--	--	35	2½
RESIDENCE 60	60,000	200	200	50	25	--	--	35	2½
OVER 55 HOUSING	10 ACRES	50	50	50	50	35%	--	36	2½
NEIGHBORHOOD BUSINESS	10,000	100	100	30	15	30% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	2½
NEIGHBORHOOD MIXED USE	20,000	125	125	20	20' side and rear yard in all cases provided that where such use abuts a residential district, the yard shall be increased to 50'	20% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	3
GENERAL BUSINESS	20,000	125	125	20	20' side and rear yard in all cases provided that where such use abuts a residential district, the yard shall be increased to 50'	20% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	3
CENTRAL BUSINESS	10,000	40	40	5	20' where such use abuts a residential district, 20' rear yard in all cases, 0 ft for a side yard where such a use abuts a commercial use	None, however, where such use abuts a residential district or use a landscape buffer consistent with §5.2.6.1 shall be provided	50%	40	3
GENERAL INDUSTRIAL	20,000	125	12	50	20' side and rear yard that where such use abuts a residential district the yard shall increase to 50'	30% in all cases and where a business or industrial use abuts a residential district, a landscape buffer shall be provided	35%	40	3
HIGHWAY INDUSTRIAL	80,000								
LIGHT INDUSTRIAL/ OFFICE	20,000								

6 by amending Section 3.8, Minimum Special Permit Criteria, by adding a new subsection 3.8.15 as follows:

3.8.15 Multi-family use in the Neighborhood Mixed Use District shall be allowed by special permit from the Planning Board subject to the following minimum special permit criteria:

Minimum lot area	25,000 sq. ft.
Density	one unit per 4000 sq. ft. of lot area
Height	40 ft. but not to exceed three stories
Open space	40% of total lot area
Parking	2 spaces per dwelling
Maximum building coverage	30%
Minimum front yard	20 ft.
Minimum side and rear yards	20 ft.

7. by amending Section 6.3.6 to read: Signs permitted in the business, mixed use and industrial districts;
8. by amending subsection 6.3.6.1 to read: Any principal use in a business, mixed use or industrial district may erect a wall sign and projecting sign as follows: (no change to remainder of subsection);
9. by amending subsection 6.3.6.2 to read: In addition any principal use in a business, mixed use or industrial district may erect the following signs: (no change to remainder of subsection)

Planning Board

ARTICLE 39. To see if the Town will vote to amend the Zoning By-law as follows; or take any other action related thereto.

1. By deleting Section 3.9 Interim Regulations for Medical Marijuana Uses.
2. By amending Section 3.5.2 to read as follows:
 - 3.5.2 Business and Professional Office – Office of a business, profession, medical office, and out-patient clinic including laboratory incidental thereto and all other office uses.

Planning Board

ARTICLE 40. To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised, by deleting Chapter 5, Sections 27, 28 and 29 and replacing it in its entirety as follows; or take any other action related thereto.

SECTION 27: Dogs – Restraint and Control

27.1 Purpose and Definitions

The purpose of this by-law is to regulate the ownership and possession of dogs in the Town, in compliance with the provisions of the General Laws, Chapter 140. It is intended that the provisions of this by-law be construed in accordance with Chapter 140. The definitions set forth in Section 136A of Chapter 140, shall apply to this by-law.

27.2 Authority

The Animal Control Officer, Sworn Police Officers, Board of Health Director, Town Clerk, and/or other persons designated by the Town Manager shall have authority to enforce this by-law.

27.3 Keeping of Dogs

- (a) No more than four (4) dogs shall be owned or kept per household.
- (b) No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, “cruel conditions and inhumane chaining or tethering” shall include, but not be limited to, the following conditions:
 - (i) filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - (ii) taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
 - (iii) subjecting a dog to dangerous conditions, including attacks by other animals.

27.4 Leashing of Dogs

- (a) No person owning or keeping a dog shall permit such dog to be at large in the Town elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person.
- (b) Such owner or keeper of a dog, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash no greater than six (6) feet in length, excepting a certified or registered service dog.
- (c) This provision shall not apply in any area expressly designated by the Board of Selectmen as a “Dog Park”, “Dog Run” or “Dog Exercise Area”.

27.5 Dogs on Public Beaches

No dog shall be allowed on a public beach or Town property adjacent to the water from May 1 to October 1 each year.

27.6 No Fouling on Public Spaces

- (a) It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area in the town, and to possess the means of removal of feces when the dog is on a sidewalk, street, or other public area in town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.
- (b) This provision shall not apply to a dog accompanying any handicapped person who, by reason of his-her handicap, is physically unable to comply with the requirements of this by-law, or to any individual who utilizes a guide dog.

27.7 Licensing

- (a) The owner or keeper of any dog over the age of six (6) months kept in the Town shall obtain a license for the dog from the Town Clerk. All licenses issued under this section shall be renewed on an annual basis, in accordance with procedures to be determined by the Town Clerk. In

addition to the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Wilmington, and the year of issue.

- (b) Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.
- (c) The Town Clerk shall not grant a license under the foregoing provisions unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Wilmington Board of Health in accordance with Section 145B of Chapter 140 of the General Laws.
- (d) Any license granted under this section is granted on the condition that the licensed dog shall be kept in a manner consistent with this Section 27 of the by-laws.
- (e) The Town Clerk shall not grant a license, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five (5) years.
- (f) The owner or keeper of the licensed dog shall keep a collar or harness of suitable material affixed around the dog's neck or body to which the tag shall be securely attached. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee established in accordance with Chapter 1 Section 3 of these by-laws.
- (g) The annual license fee shall be established in accordance with Chapter 1 Section 3 of the by-laws and shall be designated (i) Spayed or Neutered or (ii) Unspayed or Unneutered.

To be charged the fee for a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (i) a certificate from the veterinarian who spayed or neutered the dog; (ii) a veterinary bill for performing the procedure; or (iii) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

- (h) No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.
- (i) No license fee shall be increased without a majority vote of the voters present at a Town Meeting.
- (j) The license fee for a spayed or neutered dog shall be less than the license fee for an intact dog.
- (k) An owner or keeper of a dog kept in the Town of Wilmington who has not licensed said dog by the **first day of April** in each year shall be required to pay an additional fee which shall be established in accordance with Chapter 1 Section 3 of the by-laws.

27.8 Kennels

- (a) Kennels are permitted only where in compliance with the Town's Zoning By-laws.
- (b) Kennels must be operated and maintained in a sanitary and humane manner.
- (c) The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
- (d) Town authorities may inspect any kennel at any time for compliance with the above requirements.
- (e) If it is determined that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the kennel license may be revoked or suspended.
- (f) A citizen of the Town may file a petition with the Animal Control Officer stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.

The Animal Control Officer or other authorized agent of the Town shall investigate the complaint. Based on credible evidence the Animal Control Officer shall take the following action:

- (i) deem the complaint valid and refer it to the Board of Health; or
- (ii) dismiss the complaint.

The Animal Control Officer shall file the record of the investigation including witness statements, photographs, and other documentation with the Board of Health and Town Clerk.

- (g) If the Animal Control Officer deems the complaint to be valid, the Board of Health shall conduct a public hearing, hear evidence, and conduct examination of the complainant, owner, and/or witnesses under oath at the public hearing.

Based on credible evidence and testimony presented at the public hearing, the Board of Health shall take the following action:

- (i) deem the kennel in violation of the Massachusetts General Laws, the Town by-laws, and/or Board of Health Regulations; or
 - (ii) dismiss the complaint.
- (h) If the Board of Health has deemed the kennel in violation, the Board of Health may order one or more of the following remedies:
 - (i) The kennel to take such action as to remedy the violations;
 - (ii) Suspend the kennel license for a period of three (3) months; or
 - (iii) Revoke the kennel license and prohibit relicensing for up to one year.

Within ten (10) days of the issuance of any order of the Board of Health or Animal Control Officer, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with Section 137C of Chapter 140 of the General Laws.

- (i) A person maintaining a kennel shall obtain a kennel license. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, the Town Clerk shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

- (j) A kennel licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness to which a tag shall be securely attached. The tag shall have inscribed upon it the number of the kennel license, the name of the Town, and the year of issue. Tags shall be furnished to the owner or keeper by the Town Clerk in quantities not fewer than the number of dogs kept in the kennel. A kennel license shall be valid for one year, including the date of issuance of the license through the date on which the license expires, inclusive. The fee for the issuance and for renewal of the license shall be established in accordance with Chapter 1 Section 3 of these by-laws, provided, however, that in determining the amount of the license fee a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel and provided that the fees shall not be increased without a majority vote of the voters present at a Town Meeting.
- (k) The Town Clerk shall issue a kennel license without charge to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering.

27.9 Nuisance Dogs and Dangerous Dogs

- (a) A nuisance dog is a dog that:
 - (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or
 - (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
 - (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.
- (b) A dangerous dog is a dog that either:
 - (i) without justification, attacks a person or domestic animal causing injury or death; or
 - (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- (c) Any person may file a written complaint with the Animal Control Officer that a dog kept in the Town is a nuisance dog or a dangerous dog.

The Animal Control Officer or other authorized agent of the Town shall investigate the complaint. Based on credible evidence the Animal Control Officer shall take the following action:

 - (i) deem the dog a nuisance dog; or
 - (ii) refer the dog to a dangerousness hearing; or
 - (iii) dismiss the complaint.
- (d) No dog shall be deemed dangerous:
 - (i) solely based upon growling, barking, or both;
 - (ii) based upon the breed of the dog;
 - (iii) if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances;

- (a) the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
 - (b) the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
 - (c) the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
 - (d) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.
- (e) The Board of Selectmen or its designee (“the Hearing Authority”) shall investigate and conduct a public hearing, hear evidence, and conduct examination of the complainant, owner, and witnesses under oath at the public hearing. Based on credible evidence and testimony presented at the public hearing, the Hearing Authority shall take the following action:
- (i) deem the dog a dangerous dog; or
 - (ii) deem the dog a nuisance dog; or
 - (iii) dismiss the complaint.
- (f) The Hearing Authority shall report its findings and decision to the Town Clerk.

If the Animal Control Officer or Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.

- (g) If the Hearing Authority has deemed the dog a dangerous dog, it shall order one or more of the following remedies:
- (i) that the dog be humanely restrained;
 - (ii) that the dog be confined to the premises of the keeper of the dog;
 - (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained;
 - (iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

- (v) that the owner or keeper of the dog provide to the licensing authority or Animal Control Officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;
 - (vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or
 - (vii) that the dog be humanely euthanized.
- (h) No person over the age of seventeen (17) who has actual knowledge that a dog has been deemed a dangerous dog under Section 27 of the by-laws shall permit a child under the age of seventeen (17) to own, possess, or have care or custody of that dog. No person shall transfer ownership or possession of a dog that has been deemed a dangerous dog under Section 27 of the by-laws or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.
 - (i) If, subsequent to a determination by a Hearing Authority or reviewing court that a dog is dangerous, such dog wounds a person or worries, wounds, or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort for treble damages.
 - (j) Within ten (10) days of the issuance of any order under this section, the owner or keeper of the affected dog may bring a petition for judicial review in the district court for the judicial district in which the owner or keeper resides, which shall consider the petition in accordance with Section 157 of Chapter 140 of the General Laws.

27.10 Quarantine

A domestic animal that has bitten, or is suspected of biting, a person or other domestic animals shall be quarantined for ten (10) days. During quarantine, the dog shall be securely confined indoors and kept from contact with any other animal. At the discretion of the Animal Control Officer or other authorized agent, the quarantine may be on the premises of the owner. If other confinement is required, the owner or keeper shall surrender the animal for the quarantine period to an animal shelter or veterinarian, at the owner's expense.

27.11 Enforcement

- (a) A dog found at-large in the Town may be impounded at a registered shelter or veterinary facility of the Town's choosing.
- (b) If an owner or a keeper of a dog is found in violation of an order issued under Section 27 of the by-laws, the dog shall be subject to seizure and impoundment by the Animal Control Officer, a sworn police officer, the Health Director, or other authorized agent.
- (c) Enforcement of Section 27 of these by-laws may be pursued through criminal complaint against the owner or keeper of any dog through the provisions of Chapter 140 Section 157.
- (d) Section 27 of the by-laws may be enforced by noncriminal disposition through the provisions of General Laws Chapter 140, Section 173A as an alternative to criminal prosecution. The penalty for each violation of

any provision of this Section 27 shall be \$50.00 for the first offense, \$100 for the second offense and \$300.00 for a third and each subsequent offense for the purposes of such enforcement by noncriminal disposition.

- (e) Any dog impounded by the Town may be vaccinated and/or treated for fleas, ticks, and other infestations, and receive other medical treatment that may be deemed necessary at the time of impounding and for the duration of the impound, at the Town's discretion. The owner shall be responsible for all charges reasonably incurred while the dog is impounded, including routine and emergency medical care and boarding fees. Any charges shall be itemized on an invoice to the owner detailing the purpose of the fees. The owner of an impounded dog must pay the Town a processing fee of \$20 per day for the duration of the impoundment. Payment of all amounts owed shall be made prior to release of the dog. If after seven (7) days the owner does not claim the dog, the Animal Control Officer may release the dog for adoption or authorize its humane euthanasia at such official's discretion. Return of the dog to the licensed owner or keeper shall be conditioned on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

27.12 Severability and Conformance with Massachusetts General Laws

The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. No provision or interpretation of a provision of Section 27 is intended to be either in conflict with, or an attempt to change, any statutory provision in Chapter 140 of the General Laws pertaining to dogs except as authorized by said Chapter 140.

Board of Selectmen

ARTICLE 41. To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised, Chapter 4, Section 1 by adding to such Section 1 the following language at the end of the second paragraph; or take any other action related thereto.

For purposes of the preceding sentence the appointing committee shall consist of the Moderator, the person serving as chairman of the Board of Selectmen at the time such notice is received and the person serving as chairman of the Finance Committee at the time such notice is received.

Board of Selectmen

ARTICLE 42. To see if the Town will vote to authorize the Selectmen to enter into an agreement, the terms of which shall be determined by the Selectmen, to sell, convey or otherwise dispose of all or part of the following described parcel, following a determination made by the Town Manager that the land is not needed for any municipal purpose, and in accordance with Chapter 3, Section 16 of the By-Laws of the Inhabitants of the Town of Wilmington, Revised, and other applicable law; the parcel being located on Fifth Street and described in Assessor Records as Map 36, Parcel 94; or take any other action related thereto.

As Petitioned for by Kenneth Clarkin and others

ARTICLE 43. To see if the Town will vote to establish a bylaw providing for the disposition of civil traffic infractions arising in the Town of Wilmington, MA in a diversion program operated by the National Traffic Ticket Diversion Tribunal and providing for increased enforcement of the traffic laws in the Town of Wilmington, MA; or take any other action related thereto.

1. The Town of Wilmington, MA hereby ordains that civil traffic infractions which do not result in an accident can and should be disposed of in diversion. The police are hereby mandated to refer the aforementioned non-accident civil traffic infractions to the National Traffic Diversion Tribunal for disposition. As to civil traffic infraction resulting in an accident, such referrals to the National Traffic Ticket Diversion Tribunal are discretionary.
2. The Town of Wilmington, MA hereby finds that a quota is needed to bring drivers into better compliance with the traffic laws. Furthermore, the people of the Town of Wilmington, MA find that a diversionary traffic violation referral quota is constitutional under the state and federal constitutions and is in compliance with all state and federal laws. The Town of Wilmington, MA hereby mandates a quota. The quota is initially set at 600 diversionary referrals per week for one year. The aforementioned one year initial quota period is mandated to begin the first calendar week after the 90th day after passage of this by-law. Deficiencies in meeting the quota for any week shall cumulate and must be made up within 2 weeks after the deficiency. After the first year, the diversionary quota shall be set by the National Traffic Enforcement Advisory Agency. Furthermore, the police shall enforce the traffic laws according to the rules and guidelines of the National Traffic Enforcement Advisory Agency.
3. The following fees shall be assessed to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA upon disposition by the National Traffic Ticket Diversion Tribunal on a per charge basis:
 - a. Police Investigation Surcharge of \$50.00 earmarked for Town of Wilmington, MA General Fund.
 - b. Administrative Surcharge of \$20.00 earmarked for the National Traffic Ticket Diversion Tribunal.
 - c. Cost of Prosecution of \$5.00 earmarked for the Office of Diversion Prosecutor at the National Traffic Ticket Diversion Tribunal.
4. The total amount of \$75.00 per charge shall be due in a lump sum and payable to the National Traffic Ticket Diversion Tribunal upon disposition plus any fees and/or late fees and/or transcript fees and/or trial fees and/or first appeal fees and/or certiorari appeal fees and/or surcharges and/or costs and/or collections.
5. The witnessing officer(s) shall complete the Traffic Infraction Field Identification Report using the most current Traffic Infraction Field Identification Report form from the National Traffic Ticket Diversion Tribunal.
6. The witnessing officer(s) shall complete the Traffic Infraction Probable Cause Affidavit using the most current Traffic Infraction Probable Cause Affidavit form from the National Traffic Ticket Diversion Tribunal.
7. The witnessing officer(s) shall complete the Traffic Infraction Incident Report using the most current Traffic Infraction Incident Report form from the National Traffic Ticket Diversion Tribunal.
8. The witnessing officer(s) shall complete the Notice of Traffic Infraction Diversion Referral using the most current Notice of Traffic Infraction Diversion Referral form from the National Traffic Ticket Diversion Tribunal.
9. Police officer wages and/or overtime and/or related postage and/or other costs related to filling out and processing the Notice of Traffic Infraction Diversion Referral, Traffic Infraction Field Identification Report, Traffic Infraction Probable Cause Affidavit, and Traffic Infraction Incident Report shall be out of funds from the Police Investigation Surcharge.

10. The cost of police officer wages and overtime related to filling out and processing diversion paperwork other than the Notice of Traffic Infraction Diversion Referral, Traffic Infraction Field Identification Report, Traffic Infraction Probable Cause Affidavit, and Traffic Infraction Incident Report shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent that funds are made available.
11. The cost of police officer wages and overtime related to appearing and testifying at National Traffic Ticket Diversion Tribunal hearings and trials shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent that funds are made available.
12. The police are hereby mandated to use the proper forms of the National Traffic Ticket Diversion Tribunal in carrying out diversionary referrals with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
13. The general contemplated procedure for making a diversionary referral is that upon stopping a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA, the witnessing officer(s) shall complete the Notice of Traffic Infraction Diversion Referral and serve the Notice of Traffic Infraction Diversion Referral on the defendant during the stop or thereafter. The Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report shall be completed by the witnessing officer(s) during or after the stop of the defendant. The Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report need not be served on the defendant by the witnessing officer(s). The aforementioned Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report shall be submitted to the Clerk of the National Traffic Ticket Diversion Tribunal with copies to the Diversion Prosecutor. The Notice of Traffic Infraction Diversion Referral shall also be submitted by the witnessing officer(s) to the Clerk of the National Traffic Ticket Diversion Tribunal with copies to the Diversion Prosecutor. Defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA shall be entitled to copies of the aforementioned Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report according to the discovery procedures of the National Traffic Ticket Diversion Tribunal.
14. Diversionary trials shall be handled by the National Traffic Ticket Diversion Tribunal Trial Division with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
15. Diversionary first appeals shall be handled by the National Traffic Ticket Diversion Tribunal Appellate Division with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. First appeals shall be on the record with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
16. Diversionary 2nd appeals shall be handled by the National Traffic Ticket Diversion Tribunal Supreme Division with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. 2nd diversionary appeals shall be on the record and only on a certiorari basis with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
17. The police are hereby mandated to follow any procedure of the National Traffic Ticket Diversion Tribunal in carrying out the referrals of defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
18. The police are hereby mandated to follow any procedure of the National Traffic Ticket Diversion Tribunal in following up on referrals of defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.

19. The National Traffic Ticket Diversion Tribunal shall make rules necessary and proper to implement all procedures described in this by-law with respect to defendants referred to diversion at the National Traffic Ticket Diversion Tribunal who are alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
20. The National Traffic Ticket Diversion Tribunal shall provide by rule for discovery with respect to defendants who are alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
21. Defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA are entitled to bring motions to suppress in the National Traffic Ticket Diversion Tribunal under proper circumstances. The National Traffic Ticket Diversion Tribunal shall make appropriate rules to provide for the disposition of motions to suppress with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
22. Defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA are entitled to a speedy diversionary trial. The National Traffic Ticket Diversion Tribunal shall make appropriate rules to provide for a speedy diversionary trial with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
23. The National Traffic Ticket Diversion Tribunal may implement procedures for defaulting defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
24. A defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may opt out of diversion at any time prior to payment of the required fee. The proper police officer(s) shall issue and serve the citation and summons and other necessary and proper court papers upon being notified by the National Traffic Ticket Diversion Tribunal that a particular defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA has opted out of a diversion case. Furthermore, the proper police officer(s) shall properly follow up on opt-out cases. The costs of the police processing and following up on opt-out defendants shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent funds are made available; provided however that the Town of Wilmington, MA shall first exhaust any funds made available by the fines and/or court costs and/or other costs and/or collections on the formal citation issued.
25. In the event that a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA falls more than 30 days past due on any part of the payment due, the National Traffic Ticket Diversion Tribunal Collections Division shall notify proper police officer(s) of the failure to pay by the particular defendant. The aforementioned proper police officer(s) shall promptly issue and serve the citation and summons and other necessary and proper court papers upon being notified of such 30 day failure to pay by a particular defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. Furthermore, the proper police officer(s) shall properly follow up on failure to pay cases. The costs of the police processing and following up on defendants who fail to pay shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent funds are made available; provided however that the Town of Wilmington, MA shall first exhaust any funds made available by the fines and/or court costs and/or collections on the formal citation issued.
26. The National Traffic Ticket Diversion Tribunal may provide by rule for the charging of fees and/or reasonable trial fees and/or reasonable appeal fees and/or reasonable certiorari fees and/or reasonable late fees and/or transcript fees and/or reasonable costs with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.

27. By participating in diversion, a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA agrees to waive and toll the statute of limitations and speedy trial and all other prosecution deadlines during the period of time that the case is being litigated in the National Traffic Ticket Diversion Tribunal. Furthermore, a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may agree to make an intelligent waiver of the statute of limitations, speedy trial, or any other prosecution deadline for any intelligent reason. Thus, a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may agree to waive the statute of limitations, speedy trial, or any other prosecution deadline which has already been waived automatically by participating in diversion thereby resulting in a “double waiver”.
28. It is the mandate of the Town of Wilmington, MA that only licensed attorneys shall practice before the National Traffic Ticket Diversion Tribunal for cases involving defendants who are alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. Furthermore, it is the mandate of the Town of Wilmington, MA that only licensed attorneys shall hear cases as judges at the National Traffic Ticket Diversion Tribunal with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. It is noted that the National Traffic Ticket Diversion Tribunal has a policy of only allowing licensed attorneys to practice before the National Traffic Ticket Diversion Tribunal including the Diversion Prosecutor and his or her assistants. It is further noted that the National Traffic Ticket Diversion Tribunal has a policy of only allowing licensed attorneys to serve as judges at the National Traffic Ticket Diversion Tribunal.
29. A defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may be assessed an aggravating factor surcharge of up to \$1,000.00 in proper cases on a per charge basis. The proceeds of aggravating factor surcharges shall be earmarked to the Town of Wilmington, MA general fund. Furthermore, for defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA, where there is an articulable aggravating factor, diversion is discretionary.
30. In the event that funding is not made available for a particular case by the National Traffic Ticket Diversion Tribunal, the police may abandon the particular case.
31. The National Traffic Ticket Diversion Tribunal reserves the right to cancel all or any part of the diversion program described in this by-law.
32. This by-law is fully severable.
33. This by-law is fully reconstructable.

As Petitioned for by Carl Martin Swanson and others

ARTICLE 44. To see if the Town will vote to sell Town-owned land corner of Faulkner Avenue and Beeching Avenue; or take any other action related thereto.

As Petitioned for by Keith & Michele Peifer and others

ARTICLE 45. To see if the Town will vote to accept and adopt Massachusetts General Law Chapter 41 Sections 81F, G and H which provides for the laying out, alteration, relocation or discontinuance in regards to public ways or parks not in accordance with such official map as it then appears, if in fact the Town of Wilmington Official Map is valid and in compliance with Massachusetts General Law Chapter 41 Section 81E; or take any other action related thereto.

As Petitioned for by Mark Nelson and others

ARTICLE 46. To see if the Town will vote to include in by-laws and adopt Bill H1181 - An Act Relative to the Safety of School Grounds; or take any other action related thereto.

An Act Relative to the Safety of School Grounds.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Chapter 266 of the General Laws is hereby amended by inserting after Section 120f the following section:

Section 120G. Trespass on or about School Grounds.

- (a) It shall be unlawful to trespass or loiter on or about the grounds of any school without having any reason or relationship involving custody of or responsibility for a pupil or any other license or privilege to be there.
- (b) Any person in violation of this statute (sic) shall be punished by incarceration in a House of Correction for not more than six months or a fine of not more than one thousand five hundred dollars, or both.

As Petitioned for by Rosalie DeMedeiros and others

ARTICLE 47. To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By rezoning from Residential 60 (R60) to Residential 20 (R20) the following described parcel of land known as 6 Summer Street, Wilmington, MA:

A certain parcel of land with the buildings thereon situated in Wilmington, Middlesex Northern District, Commonwealth of Massachusetts, bounded and described as follows:

The land with the buildings thereon situated on the northerly side of Summer Street and the westerly side of Cobalt Street and being shown as Lot 2 on a plan of land entitled Definitive Subdivision, Plan of Land in Wilmington, Massachusetts, prepared for "Chester Hall" Scale: 1"=40', March 12, 1998, Troy, Mede & Associates, which plan is recorded with Middlesex North District Registry of Deeds in Book of Plans 198, Plan 42, to which plan reference is hereby made for a more particular description.

Containing 83,590 square feet according to said plan.

Subject to easements and restrictions of record, if any, in force and applicable.

For title reference, see deed recorded with the Middlesex Northern District Registry of Deeds at Book 17783, Page 218.

The above described premises are shown as Parcel 89 on Wilmington Assessors Map 84.

As Petitioned for by Angela Zaykovskoya and others

ARTICLE 48. To see if the Town will vote to name the corner of 136 Church Street and Adams Street in the memory and honor of William R. Harrison, who served this country honorably in The Navy Seabees, on Guadalcanal and Luzon during WW2, and to have a sign installed to commemorate the same; or take any other action related thereto.

As Petitioned for by David A. Malone and others

ARTICLE 49. To see if the Town will vote to amend the Zoning By-Law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By voting to rezone from Residential 20 (R20) to Neighborhood Business (NB) the following described parcel of land:

The land at and known as 677 Main Street, Middlesex County, MA as more fully described in a deed recorded in Middlesex North District Registry of Deeds Book 27532, Page 197. Said premises containing 41,770 sq. ft. of land on Assessors Map 39-13A and more particularly described as follows:

A certain parcel of land with the buildings thereon situated in said Wilmington, being a portion of Lot 2 as shown on a plan entitled "Plan of Land in Wilmington, Mass. Prepared for Patsy Calandrello" dated Sept. 23, 1963, Dana F. Perkins & Sons, Inc. Civil Engineers & Surveyors, duly recorded with Middlesex North District Registry of Deeds in Plan Book 100, Plan 111A also see plan entitled "Redivision of Lots in Wilmington, Massachusetts, owned by Pasquale and Mary Calandrello dated October 1968, E. R. Watson, Registered Land Surveyor", recorded in Plan Book 108, Plan 54, bounded and described as follows:

SOUTHEASTERLY	beginning at Lot B as shown on Plan Book 108, Plan 54, by Main Street one hundred fifteen and 42/100 (115.42) feet;
SOUTHWESTERLY	by land now or formerly of Pasquale and Mary Calandrello, also shown as Lot 1 on Plan Book 100, Plan 111A two hundred fifteen and 02/100 (215.02) feet;
SOUTHEASTERLY	by land now or formerly of Pasquale and Mary Calandrello, also shown as Lot 1 on Plan Book 100, Plan 111A one hundred five (105.00) feet;
NORTHEASTERLY	by land now or formerly of Pasquale and Mary Calandrello, also shown as Lot 1 on Plan Book 100, Plan 111A one hundred fifteen (115.00) feet;
SOUTHEASTERLY	by land now or formerly of Luciano and Carmella M. Calandrello one hundred (100.00) feet;
SOUTHWESTERLY	by land now or formerly of Don Jon Realty Trust as shown on Plan Book 100, Plan 111A in three (3) courses, eighty-nine and 09/100 (89.09); twenty-two and 35/100 (22.35) and one hundred ninety and 51/100 (190.51);
NORTHWESTERLY	by Boston and Maine railroad three hundred thirty-three and 36/100 feet as shown on Plan Book 108, Plan 54;
NORTHEASTERLY	by Lot B as shown on Plan Book 108, Plan 54, three hundred eight and 57/100 (308.57) feet to the point of beginning.

For title see deed at Book 27532, Page 197.

As Petitioned for by Suzanne Kenney and others

ARTICLE 50. To see if the Town will vote to amend the Zoning By-laws and associated Zoning Map for the Town of Wilmington as follows:

1. By deleting Section 9.3 of the Zoning By-laws in its entirety and replacing said Section 9.3 with the following:

9.3 Boundaries - The Over 55 Housing District is herein established as an overlay district and shall be superimposed on the other districts established by this By-law. Over 55 Housing is prohibited at any other location in Town. Boundaries are shown on the Zoning Map and include the following parcels:

Parcel One:

A certain tract of land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 5 on the Town Assessor's Map No. 39, bounded as follows:

Beginning at the Northeasterly corner thereof, at a point along the Southerly location line of Cross Street,

Thence running Northeasterly along said location line about 463.83 feet, more or less to a point,

Thence turning and running Southeasterly along land now or formerly of Garrant, Yentile and Deharo approximately 340 feet, more or less, to a point,

Thence turning and running Southwesterly, Southerly and Southeasterly along land of Armoian, Gottchalk and AVCO Manufacturing Corp., seven courses about 738.17 feet, more or less, to a point,

Thence turning and running Southeasterly along land of AVCO Manufacturing Corp., seven courses approximately 671.01 feet, more or less, to Maple Meadow Brook,

Thence turning and running Southwesterly by said Maple Meadow Brook approximately 1,060 feet, more or less, to a point on the Easterly location line of Main Street,

Thence turning and running Northwesterly along said location line of Main Street, eight courses approximately 850 feet, more or less, to a point,

Thence turning and running Southeasterly along land of said PAC Properties, Inc. approximately 281 feet, more or less, to a point.

Thence turning and running Northwesterly along land of said PAC Properties, Inc. two courses, approximately 403 feet, more or less, to the point of beginning.

Said tract of land containing 20 and 47/100 (20.47) acres, more or less.

Parcel Two:

The land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 10 on Assessor's Map R3, being described as follows:

A certain parcel of land situated in Wilmington, Middlesex County, Massachusetts and shown as lot "A" on a plan entitled "Plan of Land in Andover & Wilmington, Mass., as surveyed for Foster's Pond Improvement Assoc. Inc." dated June 1950, duly recorded with Middlesex County North Registry of Deeds in Plan Book 114, Page 145, as follows:

SOUTHWESTERLY: by a stone wall by four lines together measuring seven hundred eighty and 1/10 feet more or less; thence turning and running;

SOUTHEASTERLY: by a stone wall, five hundred sixty-seven and 5/10 feet more or less; thence turning and running;

NORTHEASTERLY: by Lot "B" as shown on said Plan, five hundred thirty-five (535) feet more or less to the center of the roadway as shown on said Plan, thence running;

NORTHWESTERLY: by the center for the roadway, four hundred (400) feet more or less to the pint of beginning.

Containing 5.48 acres of land according to said Plan.

Parcel Three:

The land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 8 on Assessor's Map R3, being described as follows:

A certain parcel of land being shown as Lot 1 on a plan of land entitled "Plan of Land in Wilmington, Mass.", dated June 29, 1964, recorded in Middlesex North District Registry of Deeds on August 14, 1964, in Book of Plans 100, Plan 99, and bounded and described as follows:

WESTERLY by Andover Street, as shown on said Plan, 255.0 feet;
 NORTHERLY by Lot 2, as shown on said Plan, 411.05 feet;
 SOUTHEASTERLY by land now or formerly of Foster, as shown on said Plan, by two courses, 114.71 and 55.50 feet, respectively; and,
 SOUTHWESTERLY by land now or formerly of Niles, as shown on said Plan, by three courses, 92.09, 127.98 and 175.28, respectively.

Containing 85,525 square feet of land according to said Plan.

2. By deleting Section 9.6.1 of the Zoning By-laws in its entirety and replacing said Section 9.6.1 with the following:

9.6.1 Minimum tract of land is seven acres on one parcel or contiguous parcels of land.

3. By deleting Section 9.6.3.1 of the Zoning By-laws in its entirety and replacing said Section 9.6.3.1 with the following:

9.6.3.1 Perimeter buffer: All buildings must be located a minimum of 40 feet from side and rear lot lines. The perimeter buffer shall remain in a natural state to preserve the visual character for the parcel being developed. If the Planning Board deems such existing buffering insufficient, it shall be supplemented with additional planting.

4. By deleting Section 9.7 of the Zoning By-laws in its entirety and replacing said Section 9.7 with the following:

9.7 Parking Requirements - 2.00 off-street spaces per dwelling unit.

5. By amending Table II Standard Dimensional Regulations of the Zoning By-laws pertaining to Over 55 Housing as follows:

ZONING DISTRICTS	MIN. LOT AREA IN SQ FT	MIN. LOT FRONTAGE IN FT	MIN. LOT WIDTH IN FT	MIN. FRONT YARD IN FT	MINIMUM SIDE & REAR YARD IN FT	MINIMUM OPEN SPACE IN %	MAX BLDG COVER IN %	MAX HGT IN FT	MAX HGT IN STORIES
OVER 55 HOUSING	7 Acres	50	50	50	40	35%	- -	36	2 1/2

or take any other action related thereto.

As Petitioned for by Stephen Wright and others

ARTICLE 51. To see if the Town will vote to sell 16 St. Paul Street, Map 54, Parcel 37; or take any other action related thereto.

As Petitioned for by Lawrence Cushing and others

ARTICLE 52. To see if the Town will vote to amend the Zoning By-Laws and associated Zoning Map of the Town of Wilmington by voting to rezone from Residence 20 (R20) and General Business (GB) to General Business (GB) the following described parcel of land; or take any other action related thereto.

The land known as 312 Main Street, Wilmington, Massachusetts, as more fully described in a January 28, 1992 deed registered with the Middlesex North Registry of Deeds, Certificate of Title 30036, Registration Book 153, Page 71, said premises containing 24,515 square feet, Assessors' Map 42, Lot 25, more particularly described as follows:

SOUTHWESTERLY by the northeasterly line of Main Street, one hundred thirty-three and 89/100 (133.89) feet;

NORTHWESTERLY by land now or formerly of Richard B. Howatt et ux, one hundred thirty-two and 51/100 (132.51) feet;

NORTHEASTERLY by land now or formerly of Donald W. O'Connell et al., one hundred fifteen and 13/100 (115.13) feet;

NORTHWESTERLY by land now or formerly of Donald W. O'Connell et al., and Lot 5, by lines measuring together, two hundred sixty-seven and 36/100 (276.36) feet;

NORTHEASTERLY by land now or formerly of Francis Bannister et al., twenty-eight and 90/100 (28.90) feet;

SOUTHEASTERLY two hundred six and 86/100 (206.86) feet;

NORTHEASTERLY forty-three and 54/100 (43.54) feet;

SOUTHEASTERLY by Lot 2, sixty three (63) feet;

SOUTHWESTERLY by Lot 2 and Lot 3, fifty-seven and 64/100 (57.64) feet; and

SOUTHEASTERLY by Lot 3, eighty-five and 27/100 (85.27) feet.

Said land is shown as Lot four (4) on a plan hereinafter mentioned.

SOUTHWESTERLY by land now or formerly of Donald W. O'Connell et al., thirty-two and 50/100 (32.50) feet;

NORTHWESTERLY by lands now or formerly of Edward J. Irwin et al. and Fred D. Cain et al., one hundred fifty seven and 57/100 (157.57) feet;

NORTHEASTERLY by land now or formerly of Francis Bannister et al. thirty-two and 99/100 (32.99) feet; and

SOUTHEASTERLY by Lot 4, one hundred sixty-three and 27/100 (163.27) feet. Said land is shown as Lot five (5) on said plan.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 33830-B, drawn by Robert E. Anderson Inc., Surveyors, dated November 5, 1984, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 26377.

As Petitioned for by Manual Barry

ARTICLE 53. To see if the Town will vote to amend the Zoning By-law and associated Zoning District Map of the Town of Wilmington by rezoning from General Industrial (GI) to Neighborhood Mixed Use Zoning District (NM) the following described parcel of land; or take any other action related thereto.

The land with the buildings thereon in said Wilmington, bounded and described as follows:

NORTHEASTERLY by Main Street, seven hundred eighty-three and 79/100 (783.79) feet;

SOUTHEASTERLY by Butters Row by two courses, one hundred thirty-nine and 28/100 (139.28) feet and one hundred thirty-five (135) feet respectively;

SOUTHWESTERLY by land of the Boston and Maine Railroad, eight hundred forty-nine and 21/100 (849.21) feet;

NORTHWESTERLY by land now or formerly of Walter C. LaDow et ux, about two hundred forty (240) feet;

The premises are shown as a portion of Lot "B" on a plan entitled "Plan of Land in Wilmington, Mass., owned by Willie B. McIntosh", dated January 5, 1945, Dana F. Perkins, Civil Engineer and Surveyor, duly recorded with Middlesex North District Deeds.

For title reference, see deed recorded with the Middlesex North District Registry of Deeds in Book 1382, Page 448.

The above described premises, also known and numbered as 635 Main Street, is shown as Parcel 1 on Wilmington Assessors Map 40.

As Petitioned for by Michael Welch and others

ARTICLE 54. To see if the Town will vote to amend the Zoning By-law and associated Zoning District Map of the Town of Wilmington by rezoning from General Industrial (GI) to Central Business Zoning District (CB) the following described parcel of land; or take any other action related thereto.

The land with the buildings thereon in said Wilmington, bounded and described as follows:

NORTHEASTERLY by Main Street, seven hundred eighty-three and 79/100 (783.79) feet;

SOUTHEASTERLY by Butters Row by two courses, one hundred thirty-nine and 28/100 (139.28) feet and one hundred thirty-five (135) feet respectively;

SOUTHWESTERLY by land of the Boston and Maine Railroad, eight hundred forty-nine and 21/100 (849.21) feet;

NORTHWESTERLY by land now or formerly of Walter C. LaDow et ux, about two hundred forty (240) feet;

The premises are shown as a portion of Lot "B" on a plan entitled "Plan of Land in Wilmington, Mass., owned by Willie B. McIntosh", dated January 5, 1945, Dana F. Perkins, Civil Engineer and Surveyor, duly recorded with Middlesex North District Deeds.

For title reference, see deed recorded with the Middlesex North District Registry of Deeds in Book 1382, Page 448.

The above described premises, also known and numbered as 635 Main Street, is shown as Parcel 1 on Wilmington Assessors Map 40.

As Petitioned for by Michael Welch and others

ARTICLE 55. To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By rezoning from Residential 60 (R-60) to Residential 20 (R-20) the following described parcels of land:

Parcel One: (Unregistered)

The land in Wilmington, in the County of Middlesex and being lots 500 through 509 both inclusive, on a plan of land in Wilmington Manor, H. A. Millhouse, C.E., September 1909, and filed with Middlesex No. District Registry of Deeds, said land being bounded and described as follows:

Lots 500 through 505 inclusive:

Northerly on Aldrich Road on said plan, 150 feet;

Easterly on lots 499-562-561-560 on said plan, 215 feet;

Southerly on lots 551-550-549-548-547-546 on said plan, 150 feet;

Westerly on Lot 506 on said plan, 230 feet.

Said lots 500 through 509 containing 33,800 square feet of land, more or less.

Lots 506 through 509 inclusive:

Northerly on Aldrich Road, on said plan, 116 feet;

Westerly on lot 505, on said plan, 230 feet;

Southerly on lots 545-544-543-542 on said plan, 100 feet;

Westerly on lot 510 on said plan, 170 feet.

Said lots 505-509 inclusive containing 19,950 square feet of land, more or less.

The above described premises (lots 500-509 inclusive) are known as 130 Aldrich Road and are shown as Parcel 13 on Wilmington Assessors Map 9.

Parcel Two: (Registered)

A certain parcel of land with the buildings thereon, situated in Wilmington, Middlesex County Massachusetts, bounded and described as follows:

SOUTHERLY by Aldrich Road in four (4) courses, together totaling two hundred (200) feet;
WESTERLY by Lot 4, as shown on plan hereinafter mentioned, five hundred twenty-one and 47/100 (521.47) feet;
NORTHERLY by land now or formerly of Bousfield, as shown on said plan, two hundred twenty-six (226) feet;
EASTERLY by land of Town of Wilmington, Medford Avenue and land of Barrato, as shown on said plan, in two (2) measurements together totaling ninety-nine and 71 (99.71) feet;
SOUTHERLY again, by Lot 2 on said plan, ninety-three and 58/100 (93.58) feet;
EASTERLY again, by said Lot 2 on said plan, three hundred fifty-four and 82/100 (354.82) feet.

Being shown as Lot 3 on said plan.

All of said boundaries are determined by the Court to be located as shown on Subdivision Plan 12255D, as modified and approved by the court, filed in the Land Registration Office, a copy of which is filed in the Registrar of Deeds for the North Registry District of Middlesex County in Registration Book 98 Page 353, with Cert 19177.

The above described premises are known as 205 Aldrich Road and are shown as Parcel 54 on Wilmington Assessors Map 9.

Parcel Three: (Unregistered)

The land in Wilmington, Middlesex County, Massachusetts, with the buildings thereon, being shown as Lot "A" as shown on a plan of land known as "Plan of Land in Wilmington, Mass., Subdivision of Land at Aldrich Rd & Winston Ave, Scale 1" = 20', May 15, 1986" which plan is recorded at the Middlesex North District Registry of Deeds at Plan Book 184, Plan 43 and to which plan reference is made for a more particular description of said lot.

Said Lot A contains 20,071 square feet of land, more or less, according to said plan.

The above described premises are known as 126 Aldrich Road and are shown as Parcel 12A on Wilmington Assessors Map 9.

Parcel Four: (Unregistered)

The land in Wilmington, Middlesex County, Massachusetts, with the buildings thereon, being shown as Lot "B" as shown on a plan of land known as "Plan of Land in Wilmington, Mass., Subdivision of Land at Aldrich Rd & Winston Ave, Scale 1" = 20', May 15, 1986" which plan is recorded at the Middlesex North District Registry of Deeds at Plan Book 184, Plan 43 and to which plan reference is made for a more particular description of said lot.

Said Lot B contains 19,075 square feet of land, more or less, according to said plan.

The above described premises are known as 128 Aldrich Road and are shown as Parcel 12 on Wilmington Assessors Map 9.

As Petitioned for by Lisa J. Johnson and others

Hereof fail not and make due return of this Warrant, or a certified copy thereof with your doings thereon to the Town Clerk as soon as may be and before said meeting, GIVEN OUR HAND AND SEAL OF SAID TOWN THIS day of **March** , A.D., Two Thousand Sixteen.

Michael L. Champoux, Chairman

Louis Cimaglia, IV

Michael V. McCoy

Michael J. Newhouse

Judith L. O'Connell